

# GROUND WATER PROTECTION STEERING COMMITTEE

Meeting Summary for March 18, 2003

## PLEASE NOTE:

The next meeting of the Steering Committee will be held on  
Tuesday, May 20, 2003 from 9 AM – 11 AM,  
Department of Environmental Quality, First Floor  
Conference Room, 629 East Main Street, in Richmond.

Contact Mary Ann Massie at 804-698-4042 for details

## ATTENDANCE:

Steering Committee members in attendance:

*Beth Walls*, Department of Conservation and Recreation (DCR)

*Randy McFarland*, U.S. Geological Survey (USGS)

*Larry Lawson, Mary Ann Massie, Terry Wagner*, Department of Environmental Quality (DEQ)

*Chris Adkins*, Virginia Department of Health (VDH)

*Nancy Miller*, Chesapeake Bay Local Assistance Department (CBLAD)

*Roy Seward*, Virginia Department of Agriculture and Consumer Services (VDACS)

*Jim McKean*, Department of Business Assistance (DBA)

Others:

*Frank Dukes*, facilitator, Institute for Environmental Negotiation, University of Virginia

*Rebecca Ballo*, recorder, Institute for Environmental Negotiation, University of Virginia

*Josh Rubinstein*, Virginia Rural Water Association

Agencies not in attendance:

Virginia Cooperative Extension (VCE)

Department of Mines, Minerals, and Energy (DMME)

## AGENCY UPDATES

### *Department of Environmental Quality (DEQ), Office of Water Resources Management*

Mary Ann Massie reported that this year's Children's Ground Water Festival will be held in the Piedmont physiographic province. After touring the Boy Scout Camp and Cub & Webelos Adventure camp in Goochland County, Camp Brady Saunders, a verbal agreement was made to hold the festival there. Mary Ann contacted the Goochland County Middle School principal regarding their interest.

Mary Ann and DEQ staff member Robin Patton also provided input on the development of ground water lesson plans and SOL assistance for Clean Virginia Waterways, Longwood College.

EPA is discussing increasing requirements for ambient ground water monitoring. Mary Ann and Terry Wagner will meet with DEQ Water Division staff next Monday, March 24 to clarify funding and the new strategy guidelines.

Larry Lawson reported that tire fees have been increased from \$.50 to \$1.00. There are still some 339 tire piles in Virginia that need to be removed.

HB1505 (Emergency Water Supply Protection Permits) authorizes the State Water Control Board to issue an emergency Virginia Water Protection Permit to meet public drinking water supply needs during drought or low flow conditions. The amount of water that could be withdrawn under the permit is limited to the amount necessary to protect public health and safety. The emergency permit would be valid until the Board either denied or approved a regular permit or for one year, whichever occurs sooner. The fee charged by the Board for the emergency permit would be 50 percent of the amount charged for a comparable water project seeking a standard permit.

HB2602 gives the State Water Control Board and the DEQ sole authority to regulate the construction and operation of sewage treatment plants, including the review and the approval of the plans and specifications for such facilities. It also transfers the Sewage Collection and Treatment (SCAT) regulation and program to DEQ. Currently, this is the joint responsibility of the Board of Health and the State Water Control Board.

SB896 (Confined animal feeding operations – CAFO's) authorizes the State Water Control Board to promulgate regulations requiring Virginia Pollutant Discharge Elimination System (VPDES) permits for confined animal feeding operations to the extent necessary to comply with Sec. 402 of the Clean Water Act. Larger confined animal feeding operations will be covered under VPDES permits as opposed to a General Virginia Pollutant Abatement permit. These permits are for anything above 200 animal units, which is equivalent to about 2,000 birds. The federal program deals with facilities greater than 1000 animal units. So now there are two types of CAFO programs, the state program and the federal program.

SB1221 (Water supply planning) requires the State Water Control Board, in consultation with the State Health Commissioner, local governments, public service authorities, and other interested parties, to establish a comprehensive water supply planning process for the development of local, regional, and state water supply plans. The planning process should (1) ensure that adequate and safe drinking water is available, (2) encourage and protect all beneficial uses, and (3) encourage, promote and develop incentives for alternative water sources. The Board is to prepare a preliminary state water resources plan and proposed draft criteria for development of the local and regional plans by December 1, 2003. The preliminary plan, which will include information from existing local and regional water supply plans, is to be submitted to the Governor and the legislative committees with jurisdiction over the subject matter and the

State Water Commission. DEQ sought an impartial facilitator to assist in the deliberations of the Water Policy Technical Advisory Committee (TAC) that will provide recommendations to DEQ on these issues. The TAC is scheduled to reconvene in mid-April and is expected to continue deliberations through mid-November.

Ten new FTE's have been approved to assist with the water supply planning. Two or three people will be located in the central office to provide guidance and at least one person in each regional office as well. They will work with local governments to help develop these plans.

Terry Wagner reported that above-average rainfall since September 2002 has been conducive to ground water recharge. However, Virginia does not have a monitoring network capable of delineating the actual ground water conditions statewide. A moderate flood event of Feb. 22-25 created significant increases in bank storage in alluvial river valleys that will be available to support stream flows for some period of time if drought returns.

The Drought Response Technical Advisory Committee (TAC) met in February and March to develop a state drought monitoring and response plan. Governor Warner's Virginia Water Supply Initiative (Executive Order #39) requires that a draft plan be in place by April 1<sup>st</sup>. At this time it appears that the TAC will provide recommendations to the Deputy Secretary of Natural Resources by April 1<sup>st</sup>.

Revisions to the Virginia Coastal Plain Ground Water Model are proceeding in cooperation with the USGS. DEQ has agreed to fund data collection necessary to support the development of a revised flow model for the Eastern Shore at a cost of about \$110,000.

#### ***Virginia Department of Business Assistance (DBA)***

New Steering Committee member Jim McKean reported that DBA is the subject of a study for realignment of agencies. They currently administer a loan program under Title V of the Clean Air Act that provides up to \$100,000 to help businesses avoid non-compliance. The money comes out of penalties that the DEQ collects. Agricultural operations also may use the program to fund BMPs. However, there currently is no money in the program.

#### ***Virginia Department of Health (VDH), Office of Drinking Water (ODW)***

Chris Adkins reported that two weeks ago his group was informed that their office was being renamed as the Office of Drinking Water. The office is now managed under its own jurisdiction. This change opens restructuring opportunities in the field offices and main office. Hopefully it will allow for more efficient provision of services.

SB966 (Receivership) gives VDH authority to expedite appointment of a receiver for abandoned water supply systems. Some communities are left on their own after the water system owner stops required testing and monitoring. Previously, if a water system was not in compliance, there was a lengthy SCC process to secure a new owner for the system. The new authority allows VDH to appoint a receiver to keep the water flowing safely to customers.

HB2156 (VDH/DEQ SRF Cooperation) ensures that VDH and DEQ will work even closer in areas of mutual interest. Unfortunately, the Clean Water State Revolving Fund has been seriously cut in EPA's budget proposal, so there will likely be a lesser chance for drinking water projects to receive funding from that source.

HB2602 (Wastewater engineering to DEQ) shifts VDH's wastewater engineering program to DEQ. HB2565 (Lead in Water Meters) died in a close committee vote (6-7-1). The impression is that several of the committee members thought that this issue is probably best addressed through regulation.

### ***U.S. Geological Survey (USGS)***

Randy McFarland reported that a budget was finally passed by Congress after nearly a third of the way into the current federal fiscal year. The USGS appropriation is close to the 2002 level with a small increase adjusting for inflation.

Continued rain is helping to further the recovery in ground water levels since the prolonged drought experienced last year and earlier. Any additional recharge will take place during the remainder of the non-growing season over the next couple of months before summer. Continued rainfall after that point, however, it is not likely to reach the water table

The Chesapeake Bay Impact Crater study is pursuing international support for drilling a multi-thousand foot core near the center of the crater at Cape Charles during the summer of 2004. Exotic materials likely to be found, such as melt rock, will provide a precise age-date and other details of the impact event. Hydrologic information will advance knowledge of the aquifer framework and ground water salinity.

Preliminary development of a revised ground water flow and solute-transport model of the Virginia Coastal Plain has provided a simulation of the movement of saline ground water in response to sea-level fluctuations during the Pleistocene ice age. Model refinement during the next 2-3 years will be directed toward developing a resource-management tool.

Other ground water related studies conducted by the Virginia District, principally in the Coastal Plain and northern Shenandoah Valley, are proceeding as planned.

### ***Chesapeake Bay Local Assistance Department (CBLAD)***

Nancy Miller reported that during the 2003 session a bill was introduced to merge CBLAD with DCR. That bill never made it out of committee, so CBLAD continues to retain independence. A JLARC study strongly recommended maintaining CBLAD as a separate agency, and Secretary of Natural Resources Tayloe Murphy has indicated that he is committed to keeping CBLAD independent.

CBLAD has added two new liaisons; the Northern Neck position started March 1 and the RADCO regional position started March 17. They may also be able to restore a position within the engineering division, which has lost three staff members since July 2002

In 2002 CBLAD had \$1 million removed from the budget, which decimated the grants program. DCR and DEQ provided some funds on a one-time basis to cover 11 local grants projects. These projects are underway and will be ending in October. CBLAD is looking for a way to continue the grants program, but even with some increased appropriation this year, funding for those grants remains uncertain.

CBLAD's annual conference was last held in May 2002. They will hold the conference again this year but not until September.

The Secretary of Natural Resources requested that the Chesapeake Bay Local Assistance Board revise the deadline date for adoption of local program revisions from March 1 to December 31, 2003 to allow time for the Secretary's office to convene the stakeholders and finalize draft guidance regarding perennality and related issues. The Board met February 18, 2003 and revised the deadline as requested.

There were major language changes in the regulations from "tributary streams" to "perennial streams." The revised regulations included elements such as on-site delineation of the resource area, stronger language for preservation of woody vegetation in resource management areas, and on-site sewage treatment alternatives to five-year pump-out requirements. 16 localities out of 84 have already adopted their revised regulations. Many more will follow before draft guidance regarding perennality comes into affect.

### ***Department of Conservation and Recreation***

Beth Walls reported that Jody Aston and Rick Hill are at an EPA conference in Philadelphia for \$319 grant reporting and tracking system. The 319 grant covers most ground water activities (karst) at the DCR. They are learning how to work with a new reporting system.

### ***Virginia Department of Agriculture and Consumer Services (VDACS)***

Roy Seward reported that the Agricultural Stewardship program reduced its staff by one investigator position during the last round of agency budget cuts. The program had been staffed at its inception in 1996 with two investigators to handle approximately 150 complaints a year. In the first five years that number never exceeded 60 complaints. However, the level of complaints during February and the first half of March is creating some concern. In February 2002 the number of complaints was five, but this year it was ten. In the first half of March alone they have received 12 more complaints.

It is not clear why such an increase in complaints is occurring. It is possible that increased rainfall is part of the problem. Another factor for the increase may be greater awareness of the program, particularly at the local government level. More citizen complaints are also being referred to the program by other state agencies. When citizen complaints do not neatly fall into a program category at the state environmental agencies, the complaints come to

VDACS. In addition, continued residential development in mainly rural areas is setting up conflicts between new residents and farmers. Complaints continue to focus to a great extent on animal production operations. About 60% of complaints are considered unfounded.

Drought has visited Virginia a number of times over the past decade, but it was the drought of 2002 that created major challenges for Virginia's agriculture. Last year Governor Warner sought drought designation for nearly 90 localities. Loss for Virginia agriculture from damages to summer and late spring crops is estimated at more than \$252 million. This total does not include lost income related to livestock and poultry production. Some members of Congress and USDA officials believe that more funds should be used for mitigation programs and risk management.

Governor Warner was successful in getting Congress to extend the Livestock Compensation Program deadline. Livestock will probably be the hardest hit sector this year due to the lack of insurance, unless Congress acts on behalf of these farmers.

Congress passed the Agricultural Assistance Act of 2003 in February to provide more than \$3 billion to fund the crop disaster program, the livestock compensation program, the livestock assistance program, and other aid programs. These programs will benefit Virginia farmers who have qualifying losses. In the case of agricultural crop losses, farmers must live in localities that have been designated primary disaster areas by the Secretary of Agriculture.

## **OTHER UPDATES**

### ***Virginia Rural Water Association VRWA)***

Josh Rubinstein reported that BMP training was held at the Department of Forestry building, where Ken Carter from NRCS spoke about the new Farm Bill. VRWA also has a conference coming up in Williamsburg March 31 – April 2. One project Josh is currently working on is for septic tank pump-out for the town of Tom's Brook and Peacock Hill, a subdivision in Albemarle County. The program gets the pumper to offer their services to localities at a bulk rate. The attractiveness of the program is that it is something that can be done in a reduced resources economy.

### ***Institute for Environmental Negotiation***

Frank Dukes mentioned that the Governor's Environmental Summit is taking place April 10-11. It is by invitation only. The Secretary of Natural Resources will report his response to ideas raised during the Summit at the "Environment Virginia" conference at VMI at the end of April.

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